



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Kimon D. Roufas, et al.  
TITLE : SIX DEGREE OF FREEDOM  
POSITION RANGING  
APPLICATION NO. : 10/016,427  
FILED : December 10, 2001  
CONFIRMATION NO. : 9522  
EXAMINER : Layla G. Lauchman  
ART UNIT : 2877  
LAST OFFICE ACTION : December 16, 2003  
ATTORNEY DOCKET NO. : D/A1131  
XERZ 2 00441

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. 1.132

Dear Sir:

As persons signing below:

We, KIMON D. ROUFAS, YING ZHANG, DAVID G. DUFF, MARK H. YIM and CRAIG ELDERSHAW, do hereby declare and say that during the relevant time period related to the above-identified United States application we were under an obligation to Xerox Corporation, assignee of the above-identified United States application, as employees and/or interns of the assignee. We have read and are familiar with the Office Action issued on December 16, 2003 in U.S. Patent Application No. 10/016,427, rejecting the claims of the application. We have further read and are familiar with the article entitled "Six Degree of Freedom Sensing for Docking Using IR LED Emitters and Receivers" (hereafter, "reference"), dated January 2001, over which the claims of the application are rejected.

Serial No. 10/016,427  
Atty. Dkt. No. D/A1131  
XERZ 2 00441

Claims 1-20 were presented for examination in application 10/016,427, and all claims stand rejected under 35 U.S.C. § 102(a) as being anticipated by the reference listing K. Roufas, Y. Zhang, D. Duff and M. Yim as authors.

During the time period the subject matter of the cited reference was developed, Craig Eldershaw was employed as an intern and worked with the four named authors in developing the subject matter found in the cited paper, *i.e.*, reference. However, prior to completing the referenced paper, Mr. Eldershaw's internship was completed and, through an inadvertent oversight, his name was not included as a co-author.

The relevant subject matter of the reference and the subject matter of the application were generated by the same parties. Additionally, the material of the paper and article was owned by and/or under an obligation of assignment to the assignee at the time of the filing of the application.

Thus, the authors of the paper (*i.e.*, the four listed authors) and Craig Eldershaw are also the applicants (inventors) of this application.

In view of the above, the cited reference is not an appropriate reference under 35 U.S.C. § 102(a) as the invention was not known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicants for patent. As the applicants (*i.e.*, the five named applicants) were those who generated the material of the cited reference, the cited reference was not known by others or described in a printed publication before the invention thereof by applicants.

We hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

Signature:

5/28/04  
  
Kimon D. Roufas

Date: 5/18/04  
Signature: [Signature]  
Ying Zhang

Date: 5/18/2004  
Signature: [Signature]  
David G. Duff

Date: 5/18/04  
Signature: [Signature]  
Mark H. Yim

Date: 5/18/04  
Signature: [Signature]  
Craig Eldershaw

N:\XERZ\200441\KMF0004033V001.DOC